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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,690	07/17/2003	Motoji Ohmori	2003_0831A	2930
513 7590 08/13/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER PYZOSHA, MICHAEL J	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,690

Applicant(s)

OHMORI ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 26-49 are pending.
2. Amendment filed 06/25/2007 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 26-30, 32, 33, 36, 38-42, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (US 20030115490) in view of Croome et al. (US 20040014423) and further in view of Shirai (US 6763249).

As per claims 26, 27, 32, 33, 36, 38, 39, 46, 48 and 49 Russo et al. discloses a storage unit configured for prestoring first authentication information relating to and given by an original user, and having a first user area corresponding to the first storage authentication information (see paragraph 40); a judgment unit operable to judge whether to perform

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authentication (see paragraph 46); a reception unit operable to receive reception authentication information that authenticates a user, if the judgment unit judges affirmative (see paragraph 52); a reception unit configured for requesting and receiving authentication information from a current user; a tamper-resistant authentication unit configured for authenticating the received authentication information of the current user based on the prestored first authentication information and judge whether the received reception authentication information matches the storage authentication information (see paragraphs 12, 46-52); and a permission unit configured for permitting use of the first area to the user if the reception authentication information is judged to match the storage authentication information wherein the authentication information is biometric information (see paragraphs 46-52).

Russo et al. fails to disclose the use of a time difference to determine if authentication is necessary.

However, Croome et al. teaches the use of a time difference to determine if authentication is necessary (see paragraphs 116 and 117).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to require the

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authentication taught by Russo et al. only when a time difference exceeds a predetermine value.

Motivation to do so would have been to modify the functionality of the device based on a security policy (i.e. to make the device more secure) (see paragraph 116).

The modified Russo et al. and Croome et al. system fails to disclose the time difference is based on the detection of the connection and disconnection of a portable recording apparatus.

However, Shirai teaches recording a history of the mounting of a medium (see column 5 lines 46-55).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the mounting history of the SIM card to determine the time difference in the modified Russo et al. and Croome et al. system.

Motivation to do so would have been to prevent the illicit copying of a user identification card (see Shirai column 1 lines 49-53).

As per claims 28, 40, and 47, the modified Russo et al., Croome et al. and Shirai system discloses the storage unit is configured for storing second authentication information different from the first authentication information, and relates to and is given by the original user, and includes a second area corresponding to the second authentication information, the

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tamper-resistant authentication unit is configured for judging whether or not the received authentication information of the current user matches the second authentication information, and for authenticating the current user if the received authentication information of the current user matches the second authentication information; and the permission unit is configured for permitting use of the second user area to the current user if said tamper-resistant authentication unit authenticates the received authentication information of the current user based on the second authentication information, or said judgment unit judges that one or both of the obtained time difference and the obtained place difference is not greater than or equal to the corresponding predetermined value (see Russo et al. paragraphs 46-52 and 54).

As per claims 29, 30, 41, and 42, the modified Russo et al., Croome et al. and Shirai system discloses a history storage subunit configured for prestoring connection history information, which is information indicating one or both of the prior connection time, and the prior connection place; a connection detection subunit configured for detecting the connection to the terminal apparatus; an information obtaining subunit configured for, when the connection to the terminal apparatus is detected by the connection detection subunit,

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obtaining current connection information, which is information indicating one or both of the current connection time and the current connection place; and an information judgment subunit configured for obtaining a time difference and/or a place difference using the connection history information and the current connection information (see Shirai column 5 lines 46-55 and Croome et al. paragraphs 116 and 117).

5. Claims 31, 37, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Russo et al., Croome et al. and Shirai system as applied to the claims above, and further in view of Fujii (US 6832721).

As per claims 31, 37, 43 and 45, the modified Russo et al., Croome et al. and Shirai system fails to disclose recording the history of mounting and using position information in the history to determine when authentication is necessary.

However, Fujii teaches the use of position information for authentication (see column 5 line 66 through column 6 line 16).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the modified Russo et al., Croome et al. and Shirai system to additionally check position information before requiring the user to authenticate.

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Motivation to do so would have been to prevent third party impersonators from using the information on the card (see Fujii column 5 line 66 through column 6 line 16).

6. Claims 34, 35, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Russo et al., Croome et al. and Shirai system as applied to claims 26 and 38 above, and further in view of Bishop et al. (US 20020065106).

As per claims 9, 10, 19 and 20 the modified Russo et al., Croome et al. and Shirai system fails to disclose the medium storing a phone number which may be selected for use in communications and authentication.

However Bishop et al. teaches such information is stored and used on a medium (see paragraphs 7 and 53-56).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the phone number information in the medium of the modified Russo et al., Croome et al. and Shirai system.

Motivation to do so would have been to allow a user to choose different phone numbers to make and receive calls (see Bishop et al. paragraphs 53-56).

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Response to Arguments

7. Applicant's arguments with respect to claims 26-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hastings,

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Holtey, Pollutro, Alcorn, Kobayashi, and Floden teach methods of using time and/or position information for authentication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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